

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL)
INDUSTRY AVERAGE WHOLESALE)
PRICE LITIGATION) MDL No. 1456

) CIVIL ACTION NO. 01-12257-PBS
)
THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

CASE MANAGEMENT ORDER NO. 24:
CLASS CERTIFICATION PROCEEDINGS FOR TRACK TWO DEFENDANTS

April 3, 2006

Saris, U.S.D.J.

1. Plaintiffs shall file a motion for class certification regarding Track Two Defendants by May 1, 2006. Plaintiffs may rely on my Memorandum and Order dated August 16, 2005 regarding Track One Defendants and brief other issues (like adequacy and typicality) as appropriate. Any brief shall be limited to twenty pages.

2. Track Two Defendants shall file a consolidated response of the same length by June 1, 2006. Each individual defendant may file a five-page brief concerning issues unique to that individual defendant. These individual briefs shall not repeat arguments in the consolidated brief or include arguments common to all defendants. Similarly, no additional briefing is necessary where my earlier Memorandum and Order addresses a point and the defendants agree with it. No boilerplate briefing on standards for class certification is needed.

3. Any reply shall be filed by June 15, 2006 and any consolidated sur-reply by June 30, 2006. These briefs shall be limited to twenty pages. The individual briefs shall be limited to three pages apiece.

4. In the appendices, counsel shall not refile affidavits, expert reports or duplicative materials concerning the industry as a whole. I will rely on the expert report of Professor Berndt.

5. No industry-wide discovery is needed. Track Two Defendants may take depositions of individual class representatives within thirty days of this Case Management Order. Track Two Defendants shall not take depositions of any individual class representatives who were deposed by Track One Defendants.

6. The parties may adjust these deadlines as reasonable, but shall file stipulated revised schedules with the Court.

7. The hearing shall be held on July 20, 2006 at 2:00 p.m.

S/PATTI B. SARIS
United States District Judge